

MUNICIPAL REVIEW COMMITTEE
MEETING OF APRIL 28, 2003

PRESENT:

Jeff Grenzebach, Chairman
Wendy Sylvati, Member
Lou Depowski, Member
Phil Sgamma, Member
John Moulin, Member
Dan Michnik, Member

Jim Callahan, Planner
Barb Guida, Councilwoman/Liaison

OTHERS PRESENT:

Michael Metzger
Tom Brown
Tim Englert
Florence Kirk
Joe Janson
Mary Lou Vogel
Judy Vogel
Marc Gagne
Gary Zimmermann
Bob Rackl
Robert Mitchell
Larry Probst
Lisa & Rick Fischer
Emilio Cuoccovo

Mike & Bev Williams
Delores Liebner
Gary & Pat Russell
Raymond Funk
Bryan & Lilly Jewett
Linda & George Felix
Carol Minnick
Sam Russo
Janice Armitage
Drew Steger
Greg Mazikowski
Matt Balling
Richard McNamara
Councilman Scott Bylewski

Chairman Grenzebach opened the meeting at 7:00 PM and the members of the MRC were introduced. Jim Callahan then introduced the first agenda item as Heise Road TND and asked Mike Metzger as project engineer to give a brief overview of the proposal.

1. HEISE ROAD TRADITIONAL NEIGHBORHOOD DESIGN

Mike Metzger described the application in detail. The Traditional Neighborhood Design de-emphasizes vehicle use by providing a walkable community with amenities. It also provides an architectural design that creates a traditional feel. Alleys are used to provide greater emphasis to the front of the buildings. The project is designed to service the aging population of Western New York, including "empty-nesters". The project would be privately maintained and a Homeowners Association would be created to administer the maintenance requirements of the commons open areas and common infrastructure. House sizes would be approximately 1800 square feet and would be two-story in general with attached garages to the rear. The price range would be generally in the range of \$150,000.00 per unit.

The MRC members questioned the acreage involved. Mike Metzger reported that the total is 22 acres. The original EAF stated 17 acres. After Planning Board commentary, the areas of frontage along County Road and Heise Road have been added to lower the overall density and create more green area. The members questioned the availability of sewer access and capacity for the project. Mike Metzger stated that the applicant is proposing to utilize public sewers to service the project and there exists a number of options for access. The property is currently not located in a sewer district so either the existing district will need to be extended or an out-of-district application requested. Existing lines would need to be extended approximately 1500 feet north along Heise Road to service the property. It was identified that a pump station would be required with adequate redundancy per requirements of the Sewer District. Phil Sgamma asked about utilization of taps from the Heise-Brookhaven Trunk Sewer. Mike Metzger identified that the applicant is a partner in the Heise-Brookhaven Trunk Sewer and additional taps are available in this system.

Mike Metzger described all of the adjoining properties to the project, including open farm lands to the south, farmlands across Heise Road, single-family residential units to the north and west and the Industrial Zone to the east along County Road. He stated that the proposed use is considered by the applicant to be a desirable step down use between the existing single family homes to the north and west and the Industrial zone to the east. Phil Sgamma asked about the density in comparison to The Hollows at Loch Lea. Mike Metzger identified that the Hollows is most likely more dense in terms of units per acre.

Phil Sgamma stated that he feels the project is not compatible with the surrounding area and the density as identified in the Master Plan should be 1.33 acre minimum lot sizes. He further stated that this project belongs in another area that would be compatible with the area as well as the Master Plan.

Wendy Sylvati stated that the proposed project is out of character with the rural area and argued that the proposed use would fit much better in areas identified in the Master Plan as being able to accommodate higher densities.

Dan Michnik commented that the proposed use is not a good fit to the rural area.

Barb Guida asked about a second access road to the project. Mike Metzger stated that the Planning Board had commented on that issue and the applicant is open to this consideration, however would like the project to have the limited access and would prefer the design as proposed.

It was identified by the MRC that the project would disturb greater than ten acres and would meet the thresholds in the law to be considered a Type I Action under SEQRA.

Chairman Grenzebach asked for any comments from the public.

Mark Gagne stated that he owns the large tract of land to the south of the project and is extremely concerned that his property will be compromised by the development as proposed. His living room faces the project and his current enjoyment of fields and woods will be negated by the proposal. In response to a question about seeking to purchase the property, Mr. Gagne stated that he would have loved to buy the land but could not afford it at this time. He stated that his land is actively farmed by the Kelkenberg's as is the property across Heise Road. It was discussed that the County has a right to farm law that would require prior notification to future residents of the farms activities. Mark Gagne stated concerns related to private roads and maintenance and snow removal within the alleys. Mr. Gagne stated that the project is totally out of character to the area. He moved to this location because of the rural character. If this project is to move forward, then he would request the opportunity to undertake a similar project. If he cannot enjoy his property then he would like to get as much out of it as possible—similar to the applicant.

Melissa Sciolino stated that the project is out of character to the rural area. She owns 10 acres and is concerned about loss of the agricultural lands. She is concerned that introducing apple orchards along the road frontage will create a problem with the local deer population. The traffic and deer problems are a concern as is the liability of the pond proposed. She stated she has a concern over children in proximity to an open unsecured pond.

Mark Butler stated that he has retained an attorney to represent himself and his neighbors related to this project. His attorney, Arthur Giacalone was unable to be here this evening but did submit a letter outlining the concerns of the existing residents of this area. He is asking that the MRC recommend a Positive Declaration on this project and that an Environmental Impact Statement be developed that thoroughly addresses issues related to environmental impacts. His major concerns are with the impacts on the existing agricultural operations and character of the area, the density and amount of impervious surface adding to the runoff. He is also concerned about the design and the increase in vehicle miles and therefore pollution with the extra driving required to access alleys. The introduction of orchards will create deer problems including crop damage and car/deer collisions. He has researched the concept of traditional neighborhood design and finds that such designs are not recommended in the Northeast due to the heavy snow volumes and the problems associated with snow removal in small alley-ways. He summarized by stating that the applicant has not considered the environmental impacts associated with this design.

Clayt Carson stated that he has concern related to maintenance of the commons areas, garbage collection, and fire safety. He said that this is a rural area and this project design does not match the character of the area. He questioned the statement of this being step down zone to the industrial zone. The industrial zone

is more rural than industrial and does match the character of the area and this proposal does not.

Tom Brown stated that his concern is with private infrastructure and what happens when the Homeowners Association ceases to exist. He further questioned the logic of building a walkable community without sidewalks

Mark Butler commented that the existing sewer capacity issues were created by poor design and planning and the addition of this project will further compound the problem.

Mike Metzger commented that many of the issues raised by the community are planning matters and are not necessarily related to the environmental review. He said that issues such as drainage and the pond can be engineered to reduce concerns. Other environmental concerns can be addressed.

The MRC identified this project as a Type I Action under SEQRA.

A motion was made by Phil Sgamma, seconded by Wendy Sylvati, and carried to recommend to the Town Board that Lead Agency be sought and the comment period for involved agencies commences.

2. Gables on the Green.

Jim Callahan gave a brief history of the process under SEQRA and identified that the applicant has submitted a draft environmental impact statement (DEIS). The MRC will be reviewing the draft in comparison to the Findings Statement completed under Scoping to determine the adequacy of the submitted DEIS. Jim Callahan reported that the NYSDEC has called and asked that the town not take action on this matter until the NYSDEC has had an opportunity to forward comments on the submitted DEIS.

Tom Hollander gave a brief overview of the proposed project. The project is to consist of 180 townhomes with 50 single lots. The price range will be \$285,000 and up for the townhomes and will generate \$1.7 million in taxes upon completion. The site will remain 60% natural. Susan King described details of the proposed on-site septic system and documentation on water pressure and volume in the area.

The MRC members questioned the septic system design and any impacts to the existing hydrogeology of the area—this is a major concern as identified in the scoping session. Members also questioned the potable water supply issues as previously raised. It was discussed that comments from the NYSDEC and the ECWA will be necessary before taking final action on the submitted DEIS.

Jim Callahan reported that the NYSDEC has not finalized its position related to the formation of a Sewage Works Corporation. The DEC may require that such a corporation be formed to manage the on-site septic system. This would require that the Town become involved as a member of this corporation.

Several neighbors expressed concerns related to impacts on schools, the on-site septic system, the potable water supply, traffic increases and the existing single-family character of the area. From this discussion it was identified that the Town has the ability to hire an outside consultant to assist in reviewing the submitted DEIS.

The MRC members identified that they will need to determine if the submitted DEIS adequately addresses the issues identified in the Scoping Session. Any comments should be forwarded to the Planning Office for assimilation. Comments from the NYSDEC and the ECWA will be required before taking any action on the DEIS.

A motion was made by Wendy Sylvati, seconded by Phil Sgamma and carried to table any action on the submitted DEIS until comments are received from the NYSDEC and ECWA and the MRC members have a chance to determine the adequacy of the submitted document.

There being no further business, the meeting adjourned at 10:30 PM.